

REMARKS/ARGUMENTS

A total of 25 claims remain pending in the present application. The foregoing amendments are presented in response to the Office Action mailed Oct. 6, 2006 wherefore reconsideration of this application is requested.

Applicant appreciates the Examiner's indication of allowable subject matter in claims 3, 4, 10-14, 23, 28 and 29.

By way of the above-noted amendments, claim 3 has been amended to be in independent format by incorporating the subject matter of cancelled claim 2 to further clarify the present invention. Independent Claim 17 has been amended to include subject matter similar to amended claim 3. Claims 12 and 14 have been amended to correct typographical errors. The dependencies of claims 5-9, 11 and 14 have been amended to depend on allowable claim 3.

Claims 3-14 and 17-29 remain pending.

In preparing the above-noted amendments, careful attention was paid to ensure that no new subject matter has been introduced.

Referring now to the text of the Office Action:

Claims 2, 5-9, 17-22, and 24-27 stand rejected under 35 USC § 103(a) as being unpatentable over Nair et al. (US 2002/0103921) in view of Browning et al. (US H1,814). The Examiner's rejections under 35 USC § 103(a) are believed to be traversed by the above-noted claim amendments. In particular, claim 3, which was identified as being allowable, has been amended to independent format incorporating the subject matter of claim 2. The dependencies of the remaining dependent claims have been amended to refer to allowable subject matter. Claim 3 now further defines a heartbeat monitor for determining the integrity of processes running on the first and second control processors by sending a heartbeat inquiry message to each of the first and second control processors *wherein the processes are selected from a table listing selected processes running on the first control processor and a table listing selected processes running on the second control processor*. Claim 17 has been amended, consistent with the amendment to claim 3, to identify that that *the processes are selected from a table listing the processes running on the first control processor and a table listing the processes running on the second control processor*. Applicant submits that claim 17 as amended defines subject matter that should be allowable.

Applicant therefore submits that claims 3 and 17, as amended, present subject matter not taught or suggested by either Nair et al. or Browning et al. either alone or in combination and therefore respectfully requests that the Examiner's rejection be withdrawn. As independent claims 3 and 17 present allowable subject matter, the respective dependent claims 4-14 and 18-29 should also now be allowable. Accordingly, it is respectfully submitted that the presently claimed invention is clearly distinguishable over the teaching of the cited references and thus it is believed that the patent application is in a condition for allowance, and early action in that respect is courteously solicited.

Respectfully submitted,

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